

REMARKS

Claims 1 through 33 remain in this Application.

Independent claims 1, 9 and 24 have been amended to clarify the relationship of the various light types to each other (apparently consistent emanations relative to activated/deactivated interval emissions) and/or relative to the golf club head face. The Examiner's attention is drawn to page 13 (bottom two paragraphs) and FIGURES 2, 3 and 4 of this application for amendment support and clarification of the differences between the invention of this Application as specified by the independent claims (claims 1, 9, 18 and 24) and the references applied by the Examiner (the U.S. Patent publications by Knecht and Wilson).

Dependent claims 12 and 15 have been amended to correspond to the amendment of the independent claim (claim 9), and dependent claim 25 has been amended to clarify the claim.

Regarding the rejection of claims 10, 11 and 31 under 35 USC 112, second paragraph, claims 10 and 11 have been amended to remove the reference to "frequency" to thereby avoid the confusion. The numerical values in these claims are ratios of the activated/deactivated interval (i.e., time). Claim 31, however, as originally

presented did not include reference to "frequency" and thus the inclusion of this claim in the section 112 rejection is not understood. It is, therefore, felt that claim 31 is definite as originally presented. In view of the foregoing, it is felt that all three claims are sufficiently definite and that withdrawal of the section 112 rejection of these claims is appropriate.

The Examiner has rejected all four of the independent claims in this Application under 35 USC 103(a) as being obvious from the teachings in the U.S. Patent Publication to Knecht in view of the teachings in the U.S. Patent to Wilson.

Regarding the Knecht patent, two entirely different embodiments of a golf swing analyzer are disclosed. The first, shown in FIGURES 1 through 9, includes a device attachable to a golf club shaft having only two light sources arranged so that a line connecting the two appears to a user to be perpendicular to the club head face. Both lights are constantly on during practice swings (the device is primarily for use without a ball). During a practice swing, the closer the two traces from each light are to one another, the better aligned is the golf club head face as it approaches ball location (see paragraph 34 of the Knecht publication and the related

FIGURES). As the golf club head face turns during a swing (typically an undesirable occurrence where a straight shot is desired), the two traces become spaced apart (more spacing equals more head face turn).

The second embodiment in the Knecht publication is shown in FIGURES 10 and 11 and described at paragraphs 47 and 48. This embodiment does not include the trace producing lights shown in the first embodiment, but instead teaches an LED array that produces a display of text, numbers and symbols responsive to a practice swing. The orientation of this display relative to the club head face is not specified (nor would it be since no persistence display is involved here). There are no apparently consistent light emanations during the practice swing and no provision of short intervals of emission during the swing. The display produced is illustrated in FIGURE 11 and is apparently only produced after a swing, not during the swing.

The Wilson patent is cited for the teaching of cycling (on and off) of a pair of light sources mounted in or on a club head so that a line connecting the two appears to a user to be perpendicular to the club head face (exactly as taught by the first embodiment of the Knecht publication, and for exactly the same purpose, the

only difference being the cycling of the sources as taught in the Wilson patent).

Neither of the patents relied upon by the Examiner teach or suggest a golf swing improvement aiding apparatus or method employing the combination of an elongated light emitting display providing short intervals of light emission between a pair of elements each providing an apparently consistent light emanation as specified by independent claim 1 of this application (and in terms of the emanations and emissions themselves, as specified in the independent method claim 24). Nor is there a teaching in either reference of positioning of the apparently consistent emanations so that they appear to a user to both be similarly adjacent to the club head face as now specified in claims 1 and 24 (as noted above, both teach alignment of the lights so that one appears to be adjacent the club face and one spaced from the club face).

Moreover, neither of the applied references teach or suggest such an apparatus including at least three light emitting elements controlled to produce short activated intervals during a golf stroke, with the elements mounted so that they appear to a user to be linearly arrayed substantially parallel to the golf club head face (rather

than perpendicular) as now specified in independent claim 9 of this Application. Finally, contrary to the assertions of the Examiner, there is no teaching or suggestion in these references of an elongated single element light emitting source mounted to appear to a user to be substantially parallel to the golf club head face, the source providing several short intervals of light emission during a golf stroke as specified in independent claim 18 of this application.

It is thus felt that the independent claims in this application are all now allowable. The dependent claims rely upon different ones of the independent claims and should thus also now be allowable.


While not going into the matter in detail, it must be noted that several of the dependent claims have no corresponding teaching in the applied references, contrary to the Examiner assertion. See for example claim 4 (there is no teaching in the references of passive light elements), claims 10, 11, 15, 20, 21, 26, 27, 29, and 31 claiming the various activation/deactivation schemes and ratios not taught by the references, the arrangement of the arrays as claimed in claims 2, 8, 12, 19, 23, and 25 not taught by the references, and claims 13 (claiming a velocity switch),

16 and 33 (claiming muscle stimulation associated with the controller of the apparatus), 17 (claiming light output control), 30 (claiming actuation upon motion sensing), and 32 (claiming a ladder-like persistence display) not taught by the references relied upon.

The period for response has been extended (for two months, from June 10, 2005 to August 10, 2005) by Petition for Extension of the Period for Response and fee (\$225.00 for a small entity) submitted herewith.

In view of the foregoing, it is felt that all of the claims in this Application are allowable and, accordingly, allowance of these claims, followed by passage of this Application to issue, is respectfully solicited.

Respectfully Submitted,


Harold A. Burdick
Registration No. 32,725

HAB
Telephone: (303) 530-1355